

**CITY OF BROKEN ARROW  
MINUTES OF THE  
REGULAR MEETING OF THE  
PLANNING COMMISSION  
September 25, 2014**

The Planning Commission agenda for this meeting was posted on September 18, 2014, at 4:00 p.m., on the City Hall Bulletin Board, 220 South First Street, Broken Arrow, Oklahoma.

1. The Broken Arrow Planning Commission met on Thursday, September 25, 2014, at 5:00 p.m. The meeting was called to order by Chairman Lee Whelpley.

2. **Roll Call:**

Present: Lee Whelpley, Chairman  
Ricky Jones, Vice Chairperson  
Fred Dorrell, Commission Member  
Glenn Shaw, Commission Member  
Carolyne Isbell-Carr, Commission Member

Absent: None

Staff Present: Kim Slinkard, Asst. City Attorney I  
Brent Murphy, Asst. City Planner  
Marcae Hilton, Staff Planner  
David Steele, Planning Division Engineer  
Jeff Westfall, Project Engineer  
Karissa Fischer, Admin. Assistant  
Kristina Penny, Project Coordinator

3. **OLD BUSINESS**

- A. The Commission considered ST14-116, Myers-Aubrey site plan, Lot 6, Block 3, Henshaw Industrial Park, 2.71 acres, IL, one-quarter mile west of Aspen Avenue, north of Albany Street, at 2700 West Albany Street.

Brent Murphy presented the background saying the site plan of Myers-Aubrey consists of one lot in the Henshaw Industrial Park and is presently zoned IL (Industrial Light). He said a site plan application was submitted, and was approved, by Staff in June 2014 and a building permit was issued. Mr. Murphy said the approved site plan showed EIFS on the south side of both the office and warehouse portions of the building, which met the requirements of the Zoning Ordinance.

Mr. Murphy said in August, 2014, Staff received a request from the contractor to use metal on the south side of the warehouse portion of the building and the three exterior sides of the office portion of the building. Mr. Murphy said, per the Zoning Ordinance other materials such as metal cannot be used on buildings in the IL district that are adjacent to and facing an arterial street, such as Albany Street, but must be approved by the Planning Commission.

- 3A. Brent Murphy said Staff recommends that the site plan previously approved, with EIFS on the south side of the warehouse portion of the building, be approved and recommends denial of the request to use metal on the south side of the warehouse portion. Mr. Murphy said Staff spoke to the applicant who advised they could not be at this meeting; however, were in agreement with Staff's recommendation to put EIFS on the south side of the warehouse portion of the building, facing Albany Street. Mr. Murphy said the Zoning Code does not allow Staff to require additional masonry material on sites that are not facing the street.

Stephen Schuller, Attorney representing the Property Owner's Association for Henshaw Industrial Park; A1 Freeman Hemlock, LLC, owner of one of the properties in Henshaw Industrial Park and its two tenants - North American Van lines, and Scott Rice, 100 West 5<sup>th</sup> Street, Tulsa, OK 74103 said they are in opposition to the proposed site plan because it does not conform to the requirements of the City's Zoning Ordinance. He said the Zoning Ordinance says that the criteria for approval of a site plan must be consistent with any previously approved subdivision plat, plan development or other precedent plan and this site plan is not. Mr. Schuller said the subdivision plat was approved by the Planning Commission in 1976 and specifically incorporates restrictive covenants that do not allow the use of metal as an exterior wall without the approval of the Architectural Review Committee or the Property Owner's Association. He said the Staff report mentions that the applicant provided pictures of other buildings in the area that have metal exterior walls; however, none of buildings featured in the pictures are in Henshaw Industrial Park. He said Staff indicated, to the applicant, that they must have necessary approval from Henshaw Industrial Park Architectural Review Committee because it is required by the covenants.

Mr. Schuller said the Architectural Review Committee has not approved this site plan application and because the site plan does not conform with the Zoning Ordinance, and does not meet the required criteria for approval, they urge the Planning Commission to deny the this site plan application.

Brent Murphy said Staff can only enforce what the Zoning Code says and if there are private restrictions associated with the property, the Planning Commission cannot approve such request thus Staff recommends approving that EIFS be used on the south side of the building, facing Albany Street, per the Code.

Stephen Schuller said while it is often true that the Planning Commission does not enforce covenants, in this peculiar instance the Zoning Code specifically says that the site plan must be consistent with the approved subdivision plat and plan development or other precedent plan, which must be considered in the site plan approval.

Glenn Shaw asked Mr. Schuller if he is asking the Commission to be stricter than what Staff has recommended or if they are in agreement with Staff recommendations. Stephen Schuller said they are not in agreement with Staff's recommendation for approval of the site plan for any exterior walls to be constructed of metal. Mr. Schuller said recommendation focuses only on south facing building walls and he and those he represents are opposed to any metal walls, which is reflected on this site plan.

- 3A. Lee Whelpley asked if they want the entire building wrapped. Mr. Schuller said yes and the Zoning Code says that EIFS is not an acceptable building material on structures in an IL zoned district. Mr. Schuller said his clients are agreeable to EIFS being used on as an exterior building wall material on this structure.

Debbie Squires, with CB Richard Ellis, property manager and agent for Hemlock L.L.C. and Jim Freeman, Owner of one of the buildings in the Henshaw Industrial Park, 1401 S. Boulder, Tulsa, OK said, on behalf of her client, they oppose this site plan. She said this proposed site plan will be in direct view of Mr. Freeman's property, which is all masonry, and the proposed property should be constructed of concrete or masonry, as defined by the restrictive covenants. Ms. Squires said the metal building would decrease the property value of Mr. Freeman's property.

Carolyn Isbell-Carr asked if there are other properties in the existing park that have metal only. Debbie Squires said not to her knowledge.

Ricky Jones asked if the Zoning Ordinance only regulates sides of buildings that abut the public street, which is Albany Street in this case. Brent Murphy said yes, that is what the Zoning Ordinance states.

Mr. Jones asked if the issue before the Commission is whether the sides and back of the building, which the City does not regulate per the Zoning Code, can be metal even if the covenants state that it cannot be metal. Brent Murphy said that is correct, the City cannot require the masonry.

Ricky Jones asked if the covenants are a private restriction. Brent Murphy said that is the understanding and the only thing Staff and the Commission can enforce are what the Zoning Code says.

Ricky Jones asked Mr. Schuller if what he is saying is the covenants give the Planning Commission the right to enforce the masonry requirement. Stephen Schuller said in the Zoning Ordinance, Section 6.6, Part B, paragraph eight, the criteria for site plan approval includes: must be consistent with any previously approved subdivision plat or any other precedent plan so the Commission must find that this is conformance with the subdivision plat, which by its specific terms includes the instrument with the covenants that is described in the plat by book and page number. Mr. Schuller said in this instance the Commission has to find that it is consistent with the subdivision plat, and this proposed site plan is not; therefore, you cannot make that finding and have to deny the application for approval.

Ricky Jones asked City's legal staff if what Mr. Schuller said is in the Commission's purview to consider. Kim Slinkard said they would have to look at the Zoning Code and if the Commission wanted to table the item, Legal could do research and have an answer. Mrs. Slinkard said normally Mr. Murphy's comments are correct, the Commission does not have authority to enforce private covenants but Mr. Schuller is stating that our Zoning Ordinance references the covenants, so they need to look into that.

Discussion continued.

- 3A. Ricky Jones said the applicant is not present and he has a question for him. He said this item has been continued once but unless he can get an answer from Staff as to whether the Commission has a right to consider this issue or not to consider this issue, he cannot feel comfortable making a vote on this item.

Fred Dorrell said he agrees with Mr. Jones. He asked why this item was continued previously. Stephen Schuller said it was tabled to allow the applicant time to seek the approval from the Architectural Review Committee. Mr. Dorrell said the applicant is not present and he also has questions to be answered. Mr. Dorrell said he does not feel comfortable making a decision without some questions answered.

**Motion** by Fred Dorrell to continue Item 3A, to the October 9, 2014 Planning Commission meeting to allow the applicant to be present and answer questions. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Dorrell, Jones, Whelpley

No: None

Abstain: None

**Motion** approved.

#### 4. CONSENT AGENDA

Marcae Hilton presented the Consent Agenda.

Lee Whelpley explained the Consent Agenda process and asked if there were any items that needed to be removed from the Consent Agenda.

Ricky Jones said his firm prepared the plat for Item 4D and will not be participating on that item; therefore, he would like that item removed from the Consent Agenda.

**Motion** by Fred Dorrell to approve Items 4A,B,C,E,F and G on the Consent Agenda per Staff recommendations. The motion was seconded by Glenn Shaw.

Yes: Shaw, Dorrell, Jones, Whelpley

No: None

Abstain: Isbell-Carr

**Motion** approved.

- A. Minutes, Planning Commission meeting held September 11, 2014. This item was approved as presented.
- B. Consideration and possible action regarding BAL 1063, A. G. Equipment Company Lot Split, 1.05 acres, one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue. The applicant, Ryan McCarty, with Design Select, was present and in agreement with the staff report. This item was approved as presented.

- 4C. Consideration and possible action regarding BAL 1064, Lakes at Indian Springs III Lot Split, 0.37 acres, one-half mile east of Elm Place, one-quarter mile north of Jasper Street. The owners, Matthew and Sara Rogers, were present and in agreement with the staff report. This item was approved as presented.
- 4D. Consideration and possible action regarding PT13-107, Conditional Final Plat, Stone Horse of Broken Arrow, 108 lots, 33.88 acres, A-1 to RS-3, east of Olive Avenue, one-quarter mile to one-half mile north of Jasper Street. This item was removed from the Consent Agenda and continued.
- 4E. Consideration and possible action regarding PT13-111, Conditional Final Plat, A. G. Industrial Park East, 1 lot, 22.36 acres, R-1/IL to IL, one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue. The applicant, Ryan McCarty, with Design Select, was present and in agreement with the checklist. This item was approved, subject to the checklist.
- 4F. Consideration and possible action regarding PT14-106, Conditional Final Plat, CORE Church at Aspen Creek, 38.42 acres, two lots and one reserve, CG and A-1 to ON, one-quarter mile south of Florence Street, east of Aspen Avenue. The applicant, Roy Bingham, with Atlas Land Office, LLC, was present and in agreement with the staff report. This item was approved, subject to the checklist.
- 4G. Consideration and possible action regarding PT14-108, Preliminary Plat, 51 Aspen RV Storage, 8.01 acres, 1 lot, A-1 to IL/PUD 227, south of State Highway 51, one-quarter mile west of Evans Road. The applicant, Tim Terral, with Tulsa Engineering and Planning, was present and in agreement with the Staff report.

Lee Whelpley said Items 4E and 4F will be considered by the City Council on October 21, 2014, at 6:30 p.m.

## 5. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Ricky Jones left the Council Chambers.

Brent Murphy said the applicant for Item 4D has requested this item to be continued to allow more time to meet with Staff regarding the project.

**Motion** by Fred Dorrell to continue item 4D as requested by the applicant. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Dorrell, Whelpley

No: None

Abstain: None

**Motion** approved

Ricky Jones returned to the Council Chambers.

## 6. PUBLIC HEARINGS

Fred Dorrell said he had a conflict of interest for Item 6A, BACP 116B and would have to recuse himself from the conversation.

Fred Dorrell left the Council Chambers at 5:24 p.m.

- A. The Commission considered BACP 116B, Wal-Mart Neighborhood Market, 8.47 acres, Level 2 and Level 3 to Level 4, located east of the northeast corner of 9th Street and Albany Street.

Brent Murphy presented the background saying BACP 116B is a request to change the Comprehensive Plan designation on 8.47 acres from Level 2 and Level 3 to Level 4. He said a new Neighborhood Market Grocery Store is being proposed on this unplatted property which is presently zoned RM and RD. The RM and RD zoning was assigned to this property in 1982 when City Council approved BAZ 860.

Mr. Murphy said during the past three years there have been two other Comprehensive Plan cases that have been approved by City Council and were approved from Level 2 and 3 to Level 4 subject to the property being platted and being developed through a PUD. He said the PUD's were critical elements of those cases. He said a draft PUD has been submitted with BACP 116B for informational purposes only and according to the draft PUD, the building height will be limited to 26 feet and be no more than one story. The building setbacks will be increased from what the Zoning Code requires in the CN district. The parking setback next to Albany Street will be increased from the required 10 feet to 40 feet. No parking will be oriented adjacent to the landscape area along Albany Street.

Along the north boundary line the landscaped area will be increased from 10 feet to 75 feet and twice as many trees required by the City Zoning Code will be installed along the north and south boundaries. The trees will all be medium to large trees and will be one tree along the north boundary for every 25 lineal feet.

Along the north part of the property, they will have an 8-foot high masonry wall that will extend from the western edge of the building wrapping around the entire eastern part of the building and continue around the part of south boundary. The north boundary, at the west property line; there will be a berm that will be at least 5 feet (60 inches) in height. From that point further to the west to Lynn Lane, the berm will be three feet (36 inches) in height.

Mr. Murphy said they have placed limitations on signage with only one free-standing sign along each street frontage, limited to 10 feet in height with a maximum size of 120 square feet. Light poles in the parking lot will be limited to 20 feet in height and no truck loading or unloading will be allowed to occur between 10:00 p.m. and 6:00 a.m.

Access will be limited to two points on Albany Street and one existing point on Lynn Lane. The eastern most access point onto Albany Street will have a deceleration lane at least 200 feet in length and a deceleration lane will be constructed on Lynn Lane at least 200 feet in length. A sidewalk, at least 5 feet wide will be provided along the drive that connects to Lynn Lane.

- 6A The Level 4 being requested with BACP 116B, by itself, is not in accordance with the Comprehensive Plan; however, with the revised draft PUD and the additional provisions, the policies and goals of the Comprehensive Plan are met. Staff recommends BACP 116B be approved subject to the property being platted and a PUD be submitted that is similar in context to the attached draft PUD.

Lee Whelpley asked if the applicant was present.

Lou Reynolds, Eller & Detrich, representing the applicant, Wal-Mart, 2727 E. 21<sup>st</sup> Street, Ste. 200, Tulsa, OK said they have worked very hard to craft a project that would have adequate screening, setbacks, landscaping and buffering that would support this Comprehensive Plan Amendment. To the north, adjacent to Carriage Crossing, the building will be 200 feet from the nearest house. To the south, Charleston neighborhood, it will be over 250 feet to the nearest house which is across Albany Street.

There will be an 8 foot masonry screening wall that starts at the southeast corner of the store and runs almost to the northwest corner of the store. From that point there will be a five foot tall berm that runs to the west. There will be a three foot high area with over 55 trees along the north side on the berm, which exceeds Broken Arrow's requirements. Sixty 60 percent of the project is open space. The real height of the store is only 20 feet to protect the residents. The lighting will have a 20 foot height limit and no light should bleed onto the neighborhood.

The project will be well screened. Because of the 8 foot high screening wall and landscaping, passersby should not see or hear any roof-mounted equipment. If traveling west on the north boundary, passersby will see the 8 foot wall; but will barely be able to see the top of a pickup truck. The view from Albany Street will have a 42 inch berm so no car lights will be seen over it. The main entrance into the store lines up with the entrance to the Charleston neighborhood on the south side of Albany Street and the screening will hide a lot due to the berms and landscape.

Mr. Reynolds said a great deal of planning, guidance and work has taken place to design this project and provide adequate screening. He said they are in agreement with Staff recommendations.

Ricky Jones asked if a neighborhood meeting was held.

Mr. Reynolds said they had a neighborhood meeting with about 25 neighbors in attendance. Also attending were representatives from Walmart, as well as their architects and engineers who presented the project much like tonight's meeting. They did not make everyone happy but seemed to satisfy a lot of the concerns. Mr. Reynolds said the closest property that backs up to this project is 50 feet away.

6A Ricky Jones said having the wall inside and the trees on the outside seem to soften the screening affect and he liked the techniques used to buffer the area. He asked if the area to the north was in a flood area or drainage ditch. David Steele, City Project Engineer, said the area was not a FEMA flood plain but in a 500 year flood plain event. Ricky Jones asked if Wal-Mart is okay with deliveries not being allowed between 10 p.m. and 6 a.m. Mr. Reynolds said yes.

Lee Whelpley asked if most of the attendees at the neighborhood meeting were from the north and if the City have any plans to widen Albany. Mr. Reynolds said they have plans to widen the street to five lanes soon via a municipal road project. Mr. Reynolds said there will be a 200 foot deceleration lane on the north side of Albany, and a 200 foot deceleration lane on the east side of Lynn Lane. Mr. Reynolds said the customers will have three exits off the property and a right turn can be made out of Carriage Crossing with a right turn to enter Wal-Mart and a right turn to exit Wal-Mart.

Mr. Reynolds said there were comments at the meeting that the neighbors would use the sidewalk to visit the store and they were in favor of the sidewalk being added. Ricky Jones asked if the sidewalk is along the access drive back to Lynn Lane. Mr. Reynolds said yes.

Carolyn Isbell-Carr asked if most of the concerns from the neighborhood meeting were addressed. Mr. Reynolds said they addressed most of the concerns regarding development and planning issues. He said many of the neighbors, to the north, liked the screening.

Lee Whelpley opened the public hearing and asked if anyone wished to speak about item 6A, BACP 116B. There were about 25 people in the audience.

Jim Naufel, 1301 E. Concord, Broken Arrow, OK said Wal-Mart did a great job designing this project; however, he has some concerns regarding water runoff. The entry into Carriage Crossing, on 12<sup>th</sup> Street, already floods during a rain and asked if there would be plans to address stormwater issues.

Ricky Jones said the City of Broken Arrow has strict stormwater policies and if the proposed Comprehensive Plan change and rezoning are approved, then stormwater issues will be addressed through the platting process. The platting process requires that the stormwater details be reviewed with fine detail.

Maggie Dorrell, 1208 E. Yakuma, Broken Arrow, OK said she lives in the Charleston Subdivision and feels this area is being overlooked. The current McDonald's and CVS store in this area have water run-off into the neighborhoods because the elevation has been increased. There are issues with lights over spilling into the surrounding neighborhoods because they are above the 20 foot minimum, the car lights from the parking lots can also be seen. She is concerned that Wal-Mart will have the same issues and asked if the elevation of the building will be increased. Although the berms and trees are nice, the neighborhoods are being ignored and expressed concern with traffic increasing if the road is widened.



- 6A Jason Dochney, 1709 E. Dover Street, Broken Arrow, OK said he lives in Fairway Park and has the same concerns as the previous two speakers. He was not invited to the neighborhood meeting and was unable to voice his concerns. He is concerned with drainage issues and with increased traffic. He asked that Wal-Mart reconsider the location and utilize their former facility located on Kenosha and County Line which has sat vacant for many years.

Pam Fly, 2517 N.12<sup>th</sup> Street, Broken Arrow, OK said she was invited to the neighborhood meeting but she and her husband are not in favor of this project and felt many of the concerns expressed at the meeting were not addressed. She did due diligence before purchasing their home and noticed this parcel of land was zoned Residential and had been since 1982 which suggested to them there were no plans to make changes to this zoning. She agrees with the previous concerns regarding noise and light pollution, drainage issues and increased traffic. She is concerned with her property value being decreased and has yet to find research to indicate the property value will increase. She said the proposed Wal-Mart does not fulfill a need as there are three convenient stores and two grocery stores within a two-mile radius. She suggested Wal-Mart consider another location and asked the Commissioners reject this proposal.

Tony Dean, 2208 N. 12<sup>th</sup> Place, Broken Arrow, OK, was opposed to the zoning change. Many of his concerns have been addressed by the previous speakers. He did a great deal of research before purchasing his home and considered the schools in the area and they would increase his property value. The Wal-Mart would decrease the value. He is concerned with increased traffic because he can barely turn out of his addition as is. A five lane road will not help this matter. He is concerned because Wal-Mart is not a good neighbor; they build stores and once done, abandon them and the property sits vacant for years. He suggested Wal-Mart look at other locations such as the Kenosha and County Line location. He too is concerned with drainage, and noise and light pollution.

Linda Gillespie, 1208 E. Vancouver, Broken Arrow, OK said they have no need for a Wal-Mart in this area and suggested Wal-Mart look at other locations such as County Line and Kenosha. She is concerned with her property value decreasing. She is concerned about traffic increasing and the street widening will cause her development to pay, once again, for the areas in the right-of-way. She agrees with the previous concerns mentioned and objects highly to rezoning this property.

Ricky Jones said property values were mentioned several times and it is important to note the Commission cannot consider property values as part of their decision.

Lee Whelpley closed the public hearing.

Ricky Jones said while listening to the speakers he pulled up the Tulsa County records and the piece of property referenced at County Line and Kenosha is not owned by Wal-Mart. Mr. Reynolds said that is correct and Wal-Mart was a tenant of that property and the building is owned by a real-estate company out of New York.

6A Mr. Jones also looked up the Major Street and highway plan. It shows Albany as a secondary arterial street and is the second most utilized street next to a primary arterial street. This street has been on the plan since the 1970's. He asked if this road has always been planned to be expanded to a wide, major thoroughfare. Brent Murphy said it has been classified as a secondary arterial street and is part of the overall future expansion with five lanes, the fifth lane being the center turn lane.

Reference grading plans, Mr. Reynolds said because the berms are so much above the level of the parking lot little topographical changes will be required, per guidelines. Lighting will comply with the City's requirements with no bleed over into adjacent neighborhoods. Carriage Crossing was given a large amount of consideration with the design of this project.

Mr. Reynolds said two previous comprehensive plan amendments were proposed for this area and the standards for this project are more stringent. Mr. Reynolds said this should be a low-impact development. They are working closely with Staff regarding stormwater issues and all concerns will be addressed. The City will not allow any floodwater issues to occur and this will probably be a fee-in-lieu of site.

Lee Whelpley said many people mentioned the property at Kenosha and County Line. Wal-Mart never owns their property and only leases it. Mr. Reynolds said Wal-Mart does not own the property off Kenosha and County Line and they have never owned it. Mr. Whelpley asked if Wal-Mart could move back in this location and upgrade it. Mr. Reynolds said no.

Mr. Reynolds said they looked at a location off Lynn Lane but the property was in the floodplain and although zoned commercial, Wal-Mart cannot design a store in a floodplain.

Ricky Jones said the City does not regulate markets and a use, the market dictates the use. He said the City regulates land uses and there are a wide range of uses that can go into an area, but they cannot exclude a permitted use. He asked Staff if the property to the north had a specific use permit or allowance for an apartment complex at one time. Brent Murphy said the property was zoned RM in 1982 and there is a specific use permit issued for that area which was for a church that owns the property but never built it. It is still zoned RM and they are selling off part of the property in association with this development. Mr. Jones asked if a church or apartment complex could go there. He was looking at the intensity of use; weighing the proposed use against allowed uses in the zoning district. He said multi-family projects generally produce more traffic.

**Motion** by Glenn Shaw to approve Item 6A, BACP 116B as recommended by Staff. The motion was seconded by Carolyn Isbell-Carr.

Yes: Isbell-Carr, Shaw, Jones, Whelpley

No: None

Abstain: None

**Motion** approved

Lee Whelpley said BACP 116B will be heard by City Council on October 21, 2014, at 6:30 p.m.

Fred Dorrell returned to the Council Chambers at 6:25 p.m.

- 6B The Commission considered BACP 141, Mullin Plumbing, 19.46 acres, Level 4 and Level 2 to Level 6, east of County Line Road, south of College Street, one-quarter mile north of Houston Street, and west of Old Highway 51.

Brent Murphy presented the background saying BACP 141 is a request to change the Comprehensive Plan designation on 19.46 acres from Level 4 (Commercial) and Level 2 (Residential) to Level 6 (Industrial/Regional Employment/Commercial). He said this property is undeveloped and unplatted.

Mr. Murphy said this Comprehensive Plan change is being requested by Mullin Plumbing, to relocate their Corporate Headquarters and Yard on Elm Place to this site, which requires IL zoning.

Mr. Murphy said a draft PUD has been submitted with BACP 141 for informational purposes only. He said development of the property, according to the draft PUD, will change the building line setback along the south boundary next to the Oak Creek Park subdivision from 50 feet to 150 feet.

Mr. Murphy said there will be limitations for freestanding signs. He said light poles will be limited to 20 feet in height and all structures within 200 feet of Old Highway 51 or County Line Road will be constructed of masonry on the side facing the street. He said landscaping will be increased along County Line Road from 10 feet in width to 30 feet and along Old Highway 51, the width of the landscape edge will be increased from 10 feet to 20 feet. He said along the south boundary, adjacent to the neighborhood, the width of the landscape edge is increased from 10 feet to 65 feet. One evergreen tree shall be planted per 20 lineal feet along the south boundary. Mr. Murphy said all outdoor storage areas will be screened from public view.

Mr. Murphy said Staff recommends that BACP 141 be approved subject to the property being platted and that a PUD be submitted that substantially similar to the draft PUD submitted with BACP 141. He said the PUD is a significant part of this application in order to fulfill the goals and desires of the Comprehensive Plan.

Lee Whelpley asked if the applicant was present.

Nicole Watts, applicant with Kinslow, Keith and Todd, Inc., 2200 S. Utica Place, #200, Tulsa, OK said the neighborhood to the south was taken into consideration when designing this site. The building setbacks will be increased, as well as landscaping and 8 foot screening wall to the south.

Ms. Watts said the right-of-way on the north portion of the property will be purchased by ODOT for road and bridge construction. There are two existing blue water ponds governed by the Army Corp of Engineers which cannot be altered. All buildings and work activity will be on the north side of the property to stay as far from the residential area as possible. The southern portion will be fleet and employee parking.

- 6B A neighborhood meeting was held September 23, 2014 and eight people attended. Ms. Watts said the project was well received with all questions answered. One letter in favor of the project was also received.

Ricky Jones asked how many vehicles will be parked in the parking lot at night. Ms. Watts said there are about 50 to 60 vehicles in their fleet and all vehicles will be entering and exiting off the east road; old Highway 51. The only traffic from the west side will be minimal office traffic.

Ricky Jones asked if out of 1400 linear feet, they are installing one tree per every 20 feet. Ms. Watts said there will be one medium to large evergreen tree every 20 feet and an 8 foot wood screening wall on the south property line. The remaining property will be chain-link fence for security purposes. The typical hours of operation will have trucks leaving between 7am and 8am, but she noted Mullin's Plumbing provides a 24 hour service.

Discussion continued.

Ms. Watts said the entrance from County Line Road was primarily for customers and office staff. There will be a second locked gate entrance with a loop line, as required by the fire department, with a knock box.

Lee Whelpley asked if anyone wished to speak on about item 6B, BACP 141.

Bob LeFevre, 19955 E. Old Highway 51, Broken Arrow, OK has a business near this site and is in favor of this project.

Glenn Sawyer, 2600 E. Dallas, Broken Arrow, OK expressed three concerns. He asked if South 25<sup>th</sup> Street, currently a stub street, will be opened for use. He is concerned with additional traffic on this street, through a residential area. Ricky Jones said generally the City tries to separate residential and non-residential traffic and even though it is a stub street, they are installing a fence there so it should block any traffic. He is also concerned with water runoff on his property due to past incidents from this site. Brent Murphy advised this property will require platting Mr. Jones said the City and applicant will address these issues through the platting process.

Mr. Sawyer inquired about the holding facility shown on the plans. Ms. Watts said it will be an underground septic discharge waste station. Mr. Sawyer asked if this will create an odor. Ms. Watts said she did not believe so due to the fact it is in a pipe and all contained underground.

Frank Ziegler, 2521 East Dallas, Broken Arrow, OK asked if Mullin's traffic will be traveling southeast along Old Highway 51. Ms. Watts said no. He asked if the entrance to the west, County Line Road, will be gated. Ms. Watts said yes.

Mr. Ziegler expressed concern regarding access into Oak Creek Park. He said there will be traffic gridlock on College Street and County Line if the bridge replacement and Mullin Construction occur simultaneously. Ms. Watts said she was not aware of details regarding bridge construction.

- 6B Mr. Ziegler asked if a timeline is known for the construction of Mullin Plumbing and the closing of the bridge. Ms. Watts said she did not believe they were going to close the bridge and construction should be a few years out. Mr. Ziegler asked the Commission if they know if there are plans to close the bridge. Mr. Murphy said the question before the Commission is if this is an appropriate land use for this location, not the bridge details. Mr. Ziegler said his questions are relevant as the bridge will affect all of the traffic if College Street is closed. Mr. Ziegler said 40 to 50 trucks will be added to the intersection of College and County Line. Lee Whelpley said most of the trucks will exit Old Highway 51 and travel towards Houston Street.

Discussion continued.

Ms. Watts said they were unaware of the bridge construction until after the property was purchased and they were given right-of-way paperwork from the City. The trucks will be exiting Old Highway 51 depending on where the call is and if traffic stacks up on College they will have to take an alternate route.

Lee Whelpley closed the public hearing.

**Motion** by Ricky Jones to approve Item 6B as recommended by Staff. The motion was seconded by Glenn Shaw.

Yes: Isbell-Carr, Shaw, Dorrell, Jones, Whelpley

No: None

Abstain: None

**Motion** approved

Lee Whelpley said this item will go before the City Council on October 21, 2014, at 6:30 p.m.

There were about 10 people in the audience. All observers left once the motion was made.

## 7. APPEALS

None.

## 8. GENERAL COMMISSION BUSINESS

- A. Discussion of the proposed Zoning Clearance Permit as an addition to the Zoning Ordinance.

Brent Murphy said this item is to amend our Zoning Ordinance to create the Zoning Permit. He said this topic is here for any questions or comments before Staff proceeds with placing this on a Planning Commission agenda as a public hearing item.

There were no questions or comments.

**9. REMARKS, INQUIRIES AND COMMENTS BY PLANNING COMMISSION AND STAFF -  
(NO ACTION)**

None.

**10. ADJOURNMENT**

At 6:55 p.m., motion by Fred Dorrell to adjourn. The motion was seconded by Ricky Jones.

Yes: Isbell-Carr, Shaw, Dorrell, Jones, Whelpley

No: None

**Motion** approved.